

# **Exhibit A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,

Plaintiff,

V.

FIRST HARTFORD CORPORATION,

Defendant.

C.A. No. 04-10402-NMG

C.A. No. 05-10320-NMG

**PLAINTIFF RICHARD E. KAPLAN'S  
REPLY TO DEFENDANT'S OPPOSITION TO MOTION FOR CONTINUANCE**

Plaintiff would like to respond, briefly, to some of the mischaracterizations contained in Defendant's Opposition to Plaintiff's Motion for a Continuance.

As indicated in Defendant's Response, the parties are preparing for a July trial in the District of Maine. If Plaintiff is successful in the Maine litigation, this case will become moot. For this reason, Plaintiff has suggested continuing this case until September -- i.e. pending the outcome of the Maine trial.

Defendant's Opposition to the Motion for Continuance gives the impression that the parties were scheduled to mediate this case. That is not entirely true. When the Court asked the parties to disclose whether there was anything that might dispose of this case without trial, Plaintiff's counsel stated that the parties had a mediation scheduled for April 26. A better (i.e. more complete) statement would have been that the parties had a mediation scheduled for April 26 that would focus on the Maine case, and that a resolution of the Maine case would also dispose of this case. There is nothing inconsistent in Plaintiff's positions that (a) he does not want to delay the Maine case, (b) it makes sense to continue this trial until September, (c) if the

trial in these cases is to be on May 1, the Plaintiff wants to be prepared for it, and (d) in the short time available, Plaintiff cannot both prepare these cases for trial and mediate the Maine case.

However, it is for the Court, and not the parties, to decide whether judicial economy would be best served by continuing this case until after the Maine trial. Pending further order of the Court, the Plaintiff will be preparing for trial beginning May 1.

Respectfully submitted,

RICHARD E. KAPLAN,  
Plaintiff,

By his attorneys,

/s/ Larry C. Kenna

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